IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26543 of 2001

Between:

1. V.Narayana Reddy,S/o Bal Rddy,
   Aged 48Yrs., Occ: Pet Grade-II Priston
   Institute American Baptist mission High
   School, Jagtial, Warangal.
2. V.Srinivasulu S/o Madhusudhanachary,
   Aged 38 yrs., Occ:Drawing Master,
   Government Aided Sri Venkateswara High
   School, Ursu, Warangal.

..... PETITIONERS

AND

1. The Government of A.P., rep.by its
   Principal Secretary, Edcuation Department,
   Secretariat, Hyderabad.
2. The Director of School Edcuation, A.P.,
   Hyderabad.
3. The District Edcuational Officer,
   Warangal District, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not paying the arrears to the 1st petitioner from 01.09.1985 to 31.10.1989 and 2nd petitioner from 01.06.1985 to 31.10.1989 as illegal, improper, arbitrary, null and void and consequently direct the respondents to pay the arrears to the petitioner Nos 1 and 2 herein from 01.09.1985 to 31.10.1989 and 1.6.1985 to 31.10.1989 respectively and to grant such other relief.

Counsel for the Petitioners: MR.M.YESHWANTH KUMAR

Counsel for the Respondents: G.P. for School Education.

The Court made the following :

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ORDER:

The first petitioner was appointed as PET in the Priston Institute American Baptist Mission High School on 3.11.1982, in the unaided post and subsequently the said post was admitted into grant in aid vide G.O.Ms.No.326 dated 17.10.1989 and for the period from 01.09.1985 to 31.10.1989 arrears are due from the respondents. Similarly, the second petitioner was appointed as a Drawing Teacher in Government Aided Sri Venkateswara High School, Ursu, Warangal on 1-9-1982 in the Management post and subsequently the said post was admitted into grant in aid as per G.O.Ms.No.778 dated 23.7.1990 and arrears are due from 1-6-1985 to 31-10-1989.

Questioning the inaction of the Government in not paying the arrears, similarly situated persons have filed writ petitions before this Court and in similar circumstances W.P.No.15879 of 1990 was allowed on 27.07.1995. Aggrieved by the same, Government filed W.A.No.1745 of 1995, and the same was dismissed by a Division Bench of this Court, which was reported in 1996(3) ALD page 1098.

In ***Government of A.P. v. G.V.K.Girls High School***(referred to

supra), Division Bench of this Court held that similarly situated persons, whose posts were admitted into grant-in-aid, cannot be denied all the arrears on the ground of paucity of funds.

In view of the facts and circumstances of the case and in view of the aforesaid judgment, the writ petition is allowed directing the respondents to pay the arrears to the first petitioner from 1.9.1985 to 31.10.1989 and second petitioner from1.6.1985 to 31.10.1989 within eight weeks from the date of receipt of a copy of this order. No order as to costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'bnle Sri Devinder Gupta, the Chief Justice on this Wednesday the eighteenth day of August, two thousand and four.

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18-08-2004

Note: Issue C.C. in one week

B/o

klp

To

1. The Government of A.P., rep.by its
   Principal Secretary, Edcuation Department,
   Secretariat, Hyderabad.
2. The Director of School Edcuation, A.P.,
   Hyderabad.
3. The District Edcuational Officer,
   Warangal District, Warangal.

4. 2CCs to G.P. for School Education, High Court buildings,

Hyderabad.(OUT)

5. 2CD copies